

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUSTIN GARDNER,

Petitioner,

vs.

TAGGART BOYD,

Respondent.

8:21CV121

ORDER

On December 27, 2021, Petitioner Justin Gardner filed a Notice of Appeal (filing 34) which was docketed with the Clerk of the Eighth Circuit Court of Appeals on January 7, 2022 (filing 38). The Eighth Circuit entered an order directing Petitioner to either pay the \$505 appellate filing and docketing fee or file a motion for leave to proceed in forma pauperis in that court by February 4, 2022. (Filing 39.) On January 21, 2022, Petitioner filed in this court a “Supplemental Notice of Appeal” (filing 41), which purports to supplement his Notice of Appeal (filing 34) to include the court’s January 6, 2022 order (filing 36) as part of his pending appeal, and a Motion for Leave to Proceed on Appeal in Forma Pauperis (filing 40). Upon consideration,

IT IS ORDERED that:

1. To the extent Petitioner seeks this court’s permission to proceed in forma pauperis on appeal, his motion (filing 40) is denied for the reasons given in the court’s January 6, 2022 Memorandum and Order.

2. The Clerk of the Court is directed to transmit Petitioner’s Supplemental Notice of Appeal (filing 41) and Motion for Leave to Proceed on Appeal in Forma Pauperis (filing 40) to the Eighth Circuit Court of Appeals as a supplement to his Notice of Appeal (filing 34).

Dated this 26th day of January, 2022.

BY THE COURT:

A handwritten signature in blue ink that reads "Richard G. Kopf". The signature is written in a cursive, flowing style.

Richard G. Kopf
Senior United States District Judge